

10/662,112
09/02/2004**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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|-----------------------------|---|--------------------------|
| In re: application of: |) | Group Art Unit 3612 |
| RUSSEL S. LONG et al. |) | Examiner: Kiran B. Patel |
| Serial No. 10/662,112 |) | Entitled: |
| Filed: September 12, 2003 |) | REAR CASE ASSEMBLY |
| Attorney Docket No. 02-2361 |) | FOR TRAILER BODY |

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Eckert Seamans Cherin & Mellott, LLC
Alcoa Technical Center
100 Technical Drive
Alcoa Center, PA 15069**MAIL STOP AMENDMENT**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313**RESPONSE TO RESTRICTION REQUIREMENT**

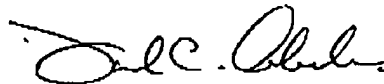
In response to the Office Action dated August 9, 2004, applicants provisionally elect the Group I Claims 1-16 and Species A, directed towards Figures 1-4. In that regard, Claims 1-8 and 14 read on the embodiment disclosed in Figures 1-4. This election is respectfully made with traverse.

With regard to the grouping of claims, applicants believe that Groups I and III should be combined because Claim 1 is drawn to an aluminum rear case assembly and Claim 25 is drawn to a traditional trailer body having the identical aluminum rear case assembly called for in Claim 1. Accordingly, Claim 1 and 25 should stand and fall together, and both claims should thus be examined in this application.

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Furthermore the MPEP, in Section 806.04(f) states that "Claims to be restricted to different species must be mutually exclusive". It is respectfully asserted that Species D and Species E are not mutually exclusive of Species A, B and C, as those species are identified in the Office Action. The Examiner's attention is respectfully directed to paragraph 44 of the application where, with regard to Species D, the embodiment illustrated in Figures 13-15, the specification states "The frame assembly 16 used in the 'rolling door' embodiment of the rear case assembly 12 may be any of the three embodiments of the rear case assembly 12 discussed here and above in connection with Figures 1-12. All other aspects of the frame assembly 16 of Figures 13-15 are identical to the frame assembly 16 of Figures 1-12", which is Species A, B and C. The same is true for Species E, which adds a hinge assembly to the embodiments described in Species A, B and C. Currently, there are no claims directed to Species D. However, should the office agree with applicants' position, applicants intend to amend the application so that Group I would include claims to the embodiment within the scope of Group I that includes the roller channels illustrated in Figures 13-15. Similarly, should the office agree with applicants' position with regard to Species E, Claims 9, 10 and 16 should be examined with this application. Accordingly, reconsideration and passage to examination of this application is requested.

Respectfully submitted,



Daniel C. Abeles
Registration No. 25,822
724.337.2768
Attorney for Applicant